

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-19-05

WHEREAS, DADELAND BREEZE APARTMENTS LLC applied to Community Zoning

Appeals Board 12 for the following:

RU-4M to PAD

Plans are on file and may be examined in the Zoning Department entitled "H+H Development," as prepared by Cohen-Freedman-Encinosa & Associates, Revision #2 dated 12/27/04 and consisting of 17 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ all in Section 34, Township 54 South, Range 40 East, being particularly described as follows:

Commence at the Southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 34; thence run N87°54'27"E along the south boundary of said Section 34 a distance of 432.11' to a point, said point being 898.41' west of the Southeast corner of said Section 34 and being on a line that is 20' east of and parallel to the east face of a 1 story C.B.S. building; thence run N02°04'38"W along a line that is 20' east of and parallel to the east face of a 1 story C.B.S. warehouse building a distance of 55' to the point of intersection with the north right-of-way boundary of State Road #94 (N. Kendall Drive) as shown on the right-of-way map recorded in Plat book 78, Page 35; said point being the Point of beginning of the parcel of land hereinafter to be described; thence continue on the last described course a distance of 597.97' to the Point of intersection with the north boundary of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34; said point being 433.52' east of the Northwest corner of said SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34; thence run N87°50'41"E along the north boundary of the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 34 a distance of 873.38' to a Point of intersection with the west right-of-way boundary of State Road #826 (Palmetto By-Pass) as shown on a right-of-way map recorded in Plat book 70, Page 6; said point being on a line that is 25' west of and parallel to the east boundary of Section 34; thence run S2°04'46"E along said west right-of-way boundary and along a line that is 25' west of and parallel to the east boundary of said Section 34 a distance of 233.24' to a point; thence run S5°48'45"W along said west right-of-way boundary a distance of 364.14' to a point, said point being on a line that is 75' west of and parallel to the east boundary of said Section 34 and being also on a line that is 60' north of and parallel to the south boundary of said Section 34; thence run S87°54'27"W along a line that is 60' north of and parallel to the south boundary of said Section 34 and along the north right-of-way line of said State Road 826, a distance of 632.73' to a point; thence run S2°04'43"E along the west right-of-way boundary of State Road 826, a distance of 5' to a Point of intersection with the north right-of-way boundary of said State Road #94; thence run S87°54'27"W along the north right-of-way boundary of said State Road #94 a distance of 190.67' to the Point of beginning. LESS: The north 30' thereof for road purpose as

recorded in Official Record Book 4704, Page 337, and being more particularly described as follows:

Commence at the Northeast corner of the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 34, Township 54 South, Range 40 East; thence run S87°50'41"W along the north line of the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 34 for 25' to the Point of beginning; thence continue S87°50'41"W along the north line of the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 34 for 873.38'; thence run S2°04'38"E for 30' to a point on a line that is 30' south and parallel to the north line of the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 34; thence run N87°50'41"E along the line that is 30' south of and parallel to the north line of the south $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of said Section 34 for 848.35' to the Point of curvature of a circular curve, concave to the Southwest with a radius of 25'; thence run SE/ly along the arc of said curve for 39.3' to the Point of tangency on the west line of the east 25' of the SE $\frac{1}{4}$ of said Section 34; thence run N2°04'48"W along the west line of the east 25' of the SE $\frac{1}{4}$ of said Section 34 for 55.03' to the Point of beginning.

LOCATION: The Northwest corner of S.W. 77 Avenue & S.W. 88 Street; A/K/A: 7701 N. Kendall Drive, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 12 that the requested district boundary change to PAD would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB12-14-05, and

WHEREAS, **DADELAND BREEZE APARTMENTS LLC** appealed the decision of Community Zoning Appeals Board 12 to the Board of County Commissioners for the following:

RU-4M to PAD

Plans are on file and may be examined in the Zoning Department entitled "H + H Development," as prepared by Cohen-Freedman-Encinosa & Associates, Revision #2 dated 12/27/04 and consisting of 17 sheets. Plans may be modified at public hearing.

SUBJECT PROPERTY: A portion of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ and a portion of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ all in Section 34, Township 54 South, Range 40 East, being particularly described as follows:

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LOCATION: The Northwest corner of S.W. 77 Avenue & S.W. 88 Street; A/K/A: 7701 N. Kendall Drive, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 12 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons made by Community Zoning Appeals Board 12 in Resolution No. CZAB12-14-05 were insufficient to merit a reversal of the decision and the appeal should be denied and the decision of Community Zoning Appeals Board 12 should be sustained, and

WHEREAS, a motion to deny the appeal without prejudice and sustain the decision of Community Zoning Appeals Board 12 was offered by Commissioner Carlos A. Gimmenez, seconded by Commissioner Jose "Pepe" Diaz, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Dr. Barbara M. Carey-Shuler	aye	Dorrin D. Rolle	aye
Jose "Pepe" Diaz	aye	Natacha Seijas	aye
Carlos A. Gimmenez	aye	Katy Sorenson	aye
Sally A. Heyman	aye	Rebecca Sosa	absent
Barbara J. Jordan	aye	Sen. Javier D. Souto	absent

Chairperson Joe A. Martinez aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby denied without prejudice and the decision of Community Zoning Appeals Board 12 is sustained.

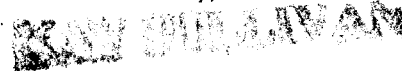
BE IT FURTHER RESOLVED that Resolution No. CZAB12-14-05 remains in full force and effect.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 6th day of October, 2005, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 05-3CZ12-2
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By 
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 19TH DAY OF OCTOBER, 2005.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

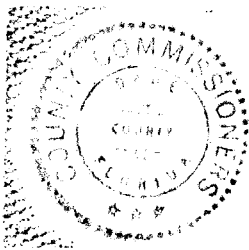
I, Deputy Clerk's Name, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-19-05 adopted by said Board of County Commissioners at its meeting held on the 6th day of October, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 19th day of October, 2005.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning
Stephen P. Clark Center
111 NW 1st Street • Suite 1210
Miami, Florida 33128-1902
T 305-375-2800

miamidade.gov

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Empowerment Trust
Enterprise Technology Services
Environmental Resources Management
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Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
Human Services
Independent Review Panel
International Trade Consortium
Juvenile Assessment Center
Medical Examiner
Metro-Miami Action Plan
Metropolitan Planning Organization
Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

October 19, 2005

Dadeland Breeze
Apartments LLC
c/o Juan Mayol
701 Brickell Avenue,
Suite 3000
Miami, Florida 33131

Re: Hearing No. 05-3CZ12-2
Location: The Northwest corner of S.W. 77 Avenue
& S.W. 88 Street; A/K/A: 7701 N. Kendall Drive,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-19-05, adopted by the Board of County Commissioners, which denied your appeal without prejudice.

Be advised that the decision of the Board may be appealed to Circuit Court within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. The date of transmittal is **October 19, 2005**.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure